

# **JOURNAL OF THE SENATE**

## **EIGHTY-EIGHTH SESSION**

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THIRTY-THIRD DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Monday, March 4, 2013

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Reverend Don Block, followed by the Pledge of Allegiance led by Senate pages Josiah Aberson and Frae Binder.

Roll Call: All members present except Sens. Begalka, Buhl, and Novstrup who were excused.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirty-second day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Corey Brown, Chair

Which motion prevailed.

1 The oath of office was administered by the President to the following named persons:

2 Pages – Josiah Aberson, Frae Binder, Garrett Keegan, Natasha Schamens, Cody  
3 Stoltenburg, Joshua Utterbach

4 Which was subscribed to and placed on file in the office of the Secretary of State.

5 **COMMUNICATIONS AND PETITIONS**

6 February 28, 2013

7 Mr. President and Members of the Senate:

8 I have the honor to inform you that on February 28, 2013, I approved Senate Bills 12, 13,  
9 18, 19, 23, 27, 32, 41, 45, 52, 67, 72, 78, 85, and 121, and the same have been deposited in the  
10 office of the Secretary of State.

11 Respectfully submitted,  
12 Dennis Daugaard  
13 Governor

14 **REPORTS OF STANDING COMMITTEES**

15 MR. PRESIDENT:

16 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing  
17 and Enrolling has carefully compared SB 1, 60, 61, 62, 71, and 80 and finds the same correctly  
18 enrolled.

19 Also MR. PRESIDENT:

20 The Committee on Legislative Procedure respectfully reports that SB 3, 4, 7, 14, 22, 29,  
21 30, 33, 35, 36, 43, 56, 64, 65, 68, 69, 86, 88, 89, 103, 117, 118, 133, 139, 146, 168, 181, 189,  
22 190, 204, 205, and 239 were delivered to his Excellency, the Governor, for his approval at 11:00  
23 a.m., March 4, 2013.

24 Respectfully submitted,  
25 Corey Brown, Chair

1 Also MR. PRESIDENT:

2 The Committee on Commerce and Energy respectfully reports that it has had under  
3 consideration HB 1142 and returns the same with the recommendation that said bill be amended  
4 as follows:

5 1142jb

6 On page 2, after line 15 of the House engrossed bill, insert:

7 "Section 3. The provisions of this Act are repealed on June 30, 2018."

8 And that as so amended said bill do pass.

9 Also MR. PRESIDENT:

10 The Committee on Commerce and Energy respectfully reports that it has had under  
11 consideration SCR 4 and returns the same with the recommendation that said resolution be  
12 adopted.

13 Also MR. PRESIDENT:

14 The Committee on Commerce and Energy respectfully reports that it has had under  
15 consideration the nomination of James C. Roby of Watertown, South Dakota, to the South  
16 Dakota Building Authority and returns the same with the recommendation that the Senate advise  
17 and consent to the reappointment and place on the consent calendar.

18 Respectfully submitted,  
19 Ried S. Holien, Chair

20 Also MR. PRESIDENT:

21 The Committee on Appropriations respectfully reports that it has had under consideration  
22 HB 1060 and returns the same with the recommendation that said bill do pass.

23 Also MR. PRESIDENT:

24 The Committee on Appropriations respectfully reports that it has had under consideration  
25 HB 1184 and returns the same with the recommendation that said bill be amended as follows:

1 1184mb

2 On page 1, line 4, of the House engrossed bill, delete "three dollars (\$3)" and insert "four  
3 million dollars (\$4,000,000)".

4 On page 1, line 6, delete "(\$1)" and insert "(\$2,000,000)".

5 On page 1, line 7, after "Center" delete "(\$1)" and insert "(\$1,500,000)".

6 On page 1, line 7, after "Rushmore" delete "(\$1)" and insert "(\$500,000)".

7 And that as so amended said bill do pass.

8 Respectfully submitted,  
9 Deb Peters, Chair

10 Also MR. PRESIDENT:

11 The Committee on State Affairs respectfully reports that it has had under consideration  
12 HB 1137 and 1161 and returns the same with the recommendation that said bills do pass.

13 Also MR. PRESIDENT:

14 The Committee on State Affairs respectfully reports that it has had under consideration  
15 HB 1165 and returns the same with the recommendation that said bill be amended as follows:

16 1165fb

17 On the printed bill, delete everything after the enacting clause and insert:

18 "Section 1. That § 10-6-33.35 be amended to read as follows:

19 10-6-33.35. There is hereby established the Agricultural Land Assessment Implementation  
20 and Oversight Advisory Task Force. The task force shall consist of the following fourteen  
21 members:

22 (1) The speaker of the House of Representatives shall appoint four members of the  
23 House of Representatives, no more than two of whom may be from one political  
24 party;

25 (2) The speaker of the House of Representatives shall appoint three members of the  
26 general public, at least one of the members shall have an agricultural background and  
27 at least one of the members shall have a business background;

1       (3)    The president pro tempore of the Senate shall appoint four members of the Senate,  
2            no more than two of whom may be from one political party; and

3       (4)    The president pro tempore of the Senate shall appoint three members of the general  
4            public, at least one of the members shall have an agricultural background and at least  
5            one of the members shall have a business background.

6       The initial appointments shall be made no later than July 1, 2008, and shall serve until  
7       January 12, 2009. The speaker of the House of Representatives and president pro tempore of the  
8       Senate before the close of each regular session of the Legislature held in odd-numbered years  
9       shall appoint members to the task force for a term of two years. If there is a vacancy on the task  
10      force, the vacancy shall be filled in the same manner as the original appointment.

11      The task force shall advise the department regarding the rules promulgated by the  
12      department to administer the provisions concerning the assessment and taxation of agricultural  
13      lands and shall review the implementation of the provisions of law concerning the assessment  
14      and taxation of agricultural land. The task force shall report to the Senate and House of  
15      Representatives and may submit a copy of its report to the Governor. The task force may present  
16      draft legislation and policy recommendations to the Legislative Research Council Executive  
17      Board.

18      The task force shall make recommendations in the following areas:

19      (1)    The proper percentage of annual earning capacity to be used to determine the  
20            agricultural income value pursuant to § 10-6-33.28;

21      (2)    The proper capitalization rate in order to have total taxable valuation for the taxes  
22            payable in 2011 from agricultural property be not more than total taxable valuation  
23            for the taxes payable in 2010 from agricultural property plus the estimated growth in  
24            agricultural property value in 2010;

25      (3)    The changes, if any, that must be made to §§ 13-10-6, 13-16-7, 13-37-16, and 13-37-  
26            35.1 to ensure that the total amount of additional taxes that may be generated on  
27            agricultural land by a school district pursuant to the provisions of §§ 13-10-6, 13-16-  
28            7, 13-37-16, and 13-37-35.1 will not provide a substantial property tax revenue  
29            increase for the school district pursuant to the implementation of the productivity  
30            system pursuant to §§ 10-6-33.28 to 10-6-33.33, inclusive; ~~and~~

31      (4)    The changes, if any, that must be made to §§ 13-10-6, 13-16-7, 13-37-16, and 13-37-  
32            35.1 to ensure that the total amount of property taxes that may be lost on agricultural  
33            land by a school district pursuant to the provisions of §§ 13-10-6, 13-16-7, 13-37-16,  
34            and 13-37-35.1 will not provide a substantial property tax revenue decrease for the  
35            school district pursuant to the implementation of the productivity system pursuant to  
36            §§ 10-6-33.28 to 10-6-33.33, inclusive; and

37      (5)    The distribution of the local effort for the general fund of school districts between the  
38      classifications of real property as provided by § 13-13-72.1 which establishes the real  
39      property tax contribution from agricultural property for the general fund of school

districts as a fixed ratio of the total local effort for such levies. The task force shall also consider the other taxes paid by agricultural property, the relationship of the total assessed value of agricultural property to the total assessed value of all real property, and other factors the task force deems appropriate."

1165ftb

On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "revise certain provisions concerning the agricultural land task force."

On page 1, delete line 2.

And that as so amended said bill do pass.

Also MR. PRESIDENT:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1212 and returns the same with the recommendation that said bill be amended as follows:

1212ya

On page 1, line 10, of the House State Affairs Committee engrossed bill, delete "~~of one hundred ten dollars per day~~" and insert "of one hundred ten twenty-three dollars per day".

On page 1, line 14, delete "at an" and insert "or at the".

On page 2, line 2, after "year" insert ", whichever of the two is greater".

And that as so amended said bill do pass.

Also MR. PRESIDENT:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1220 and returns the same with the recommendation that said bill be amended as follows:

1220fa

On page 1, line 10, of the House Local Government Committee engrossed bill, after "headlights," insert "and".

On page 1, line 10, after "lights" delete ", and horn".

And that as so amended said bill do pass and be placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration  
3 HB 1235 which was deferred to the 41<sup>st</sup> Legislative Day.

4 Respectfully submitted,  
5 Larry Rhoden, Chair

6 Also MR. PRESIDENT:

7 The Committee on Health and Human Services respectfully reports that it has had under  
8 consideration HB 1214 and returns the same with the recommendation that said bill be amended  
9 as follows:

10 1214jd

11 On the House engrossed bill, delete everything after the enacting clause and insert:

12 "Section 1. The Department of Social Services shall submit a Medicaid state plan  
13 amendment to the federal Centers for Medicare and Medicaid Services to expand Medicaid  
14 eligibility for pregnancy-related services for pregnant women up to one hundred forty percent  
15 of the federal poverty level per household size.

16 Section 2. There is hereby appropriated from the general fund the sum of four hundred sixty-  
17 four thousand, three hundred fifty-five dollars (\$464,355), or so much thereof as may be  
18 necessary, and five hundred forty-nine thousand, five hundred twenty-one dollars (\$549,521),  
19 or so much thereof as may be necessary, of federal fund expenditure authority to the Department  
20 of Social Services for the purpose of providing pregnancy-related services to pregnant women.

21 Section 3. The secretary of social services shall approve vouchers and the state auditor shall  
22 draw warrants to pay expenditures authorized by this Act.

23 Section 4. Any amounts appropriated in this Act not lawfully expended or obligated by  
24 June 30, 2014, shall revert in accordance with the procedures prescribed in chapter 4-8.

25 Section 5. The Department of Social Services shall provide a report to the Governor and the  
26 Legislature by January 1, 2015. The report shall include birth outcomes and any estimated  
27 savings."

28 1214jta

29 On page 1, line 1, of the House engrossed bill, delete everything after "Act to" and insert  
30 "expand Medicaid eligibility for pregnant women and to make an appropriation therefor."

1 And that as so amended said bill do pass.

2 Respectfully submitted,  
3 Jean M. Hunhoff, Chair

4 **REPORT OF CONFERENCE COMMITTEE**

5 cc151A

6 MR. PRESIDENT:

7 The Conference Committee respectfully reports that it has considered SB 151 and the  
8 amendments thereto made by the House, and the disagreement of the two houses thereon, and  
9 recommends that SB 151 be amended as follows:

10 151fj

11 On page 1, line 7, of the House engrossed bill, delete "section 6" and insert "section 2".

12	Respectfully submitted,	Respectfully submitted,
13	Mike Verchio	Mike Vehle
14	House Committee Chair	Senate Committee Chair

15 **MESSAGES FROM THE HOUSE**

16 MR. PRESIDENT:

17 I have the honor to return herewith SB 60, 61, and 62 which have passed the House without  
18 change.

19 Also MR. PRESIDENT:

20 I have the honor to return herewith SCR 6 in which the House has concurred.

21 Also MR. PRESIDENT:

22 I have the honor to inform your honorable body that the House has concurred in Senate  
23 amendments to HCR 1008.

24 Respectfully,  
25 Arlene Kvislen, Chief Clerk



1

**MOTIONS AND RESOLUTIONS**

2

3

Sen. Olson moved that HB 1030, 1239, 1164, 1033, 1068, 1189, 1096, 1050, and 1123 be placed to follow 1198 on today's calendar.

4

Which motion prevailed.

5

6

Sen. Tieszen moved that the Committee on Transportation be instructed to deliver HB 1080 to the floor of the Senate, pursuant to Joint Rule 7-7.

7

Which motion was not supported.

8

9

10

11

SCR 5: A CONCURRENT RESOLUTION, Commending the Jobs for America's Graduates (JAG) pilot program at Wagner Community School, and honoring Sage Zephier for delivering the student address for the JAG National Leadership Awards Luncheon in Washington.

12

Was read the second time.

13

Sen. Sutton moved that SCR 5 as found on page 558 of the Senate Journal be adopted.

14

The question being on Sen. Sutton's motion that SCR 5 be adopted.

15

And the roll being called:

16

Yeas 32, Nays 0, Excused 3, Absent 0

17

Yeas:

18

19

20

21

Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

22

Excused:

23

Begalka; Buhl; Novstrup (Al)

24

25

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and SCR 5 was adopted.

26

Sen. Peters moved that the Senate do concur in House amendments to SB 120.

1       The question being on Sen. Peters' motion that the Senate do concur in House amendments  
2 to SB 120.

3       And the roll being called:

4       Yeas 25, Nays 7, Excused 3, Absent 0

5       Yeas:

6       Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
7       Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell); Peters;  
8       Rave; Rhoden; Sutton; Tidemann; Tieszen; Vehle; White

9       Nays:

10       Jensen; Omdahl; Otten (Ernie); Rampelberg; Soholt; Van Gerpen; Welke

11       Excused:

12       Begalka; Buhl; Novstrup (Al)

13       So the motion having received an affirmative vote of a majority of the members-elect, the  
14       President declared the motion carried and the amendments were concurred in.

15       Sen. Rhoden moved that the Senate do concur in House amendments to SB 34.

16       The question being on Sen. Rhoden's motion that the Senate do concur in House  
17       amendments to SB 34.

18       And the roll being called:

19       Yeas 32, Nays 0, Excused 3, Absent 0

20       Yeas:

21       Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
22       Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell);  
23       Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
24       Van Gerpen; Vehle; Welke; White

25       Excused:

26       Begalka; Buhl; Novstrup (Al)

27       So the motion having received an affirmative vote of a majority of the members-elect, the  
28       President declared the motion carried and the amendments were concurred in.

29       Sen. Vehle moved that the Senate do concur in House amendments to SB 44.

1       The question being on Sen. Vehle's motion that the Senate do concur in House amendments  
2 to SB 44.

3       And the roll being called:

4       Yeas 26, Nays 5, Excused 4, Absent 0

5       Yeas:

6       Adelstein; Bradford; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston;  
7       Jones; Kirkeby; Krebs; Lederman; Lucas; Monroe; Omdahl; Otten (Ernie); Peters; Rampelberg;  
8       Rhoden; Soholt; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

9       Nays:

10       Brown; Ewing; Maher; Rave; Sutton

11       Excused:

12       Begalka; Buhl; Novstrup (Al); Olson (Russell)

13       So the motion having received an affirmative vote of a majority of the members-elect, the  
14       President declared the motion carried and the amendments were concurred in.

15       Sen. Johnston moved that the Senate do concur in House amendments to SB 84.

16       The question being on Sen. Johnston's motion that the Senate do concur in House  
17       amendments to SB 84.

18       And the roll being called:

19       Yeas 27, Nays 5, Excused 3, Absent 0

20       Yeas:

21       Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
22       Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell);  
23       Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton; Tieszen; Welke; White

24       Nays:

25       Omdahl; Peters; Tidemann; Van Gerpen; Vehle

26       Excused:

27       Begalka; Buhl; Novstrup (Al)

28       So the motion having received an affirmative vote of a two-thirds majority of the members-  
29       elect, the President declared the motion carried and the amendments were concurred in.

1 Sen. Tieszen moved that the Senate do not concur in House amendments to SB 147 and  
2 that a committee of three on the part of the Senate be appointed to meet with a like committee  
3 on the part of the House to adjust the differences between the two houses.

4 Which motion prevailed and the President announced as such committee Sens. Tieszen,  
5 Peters, and Lucas.

6 Sen. Lederman moved that the Senate do concur in House amendments to SB 174.

7 The question being on Sen. Lederman's motion that the Senate do concur in House  
8 amendments to SB 174.

9 And the roll being called:

10 Yeas 32, Nays 0, Excused 3, Absent 0

11 Yeas:

12 Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
13 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell);  
14 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
15 Van Gerpen; Vehle; Welke; White

16 Excused:

17 Begalka; Buhl; Novstrup (Al)

18 So the motion having received an affirmative vote of a majority of the members-elect, the  
19 President declared the motion carried and the amendments were concurred in.

20 Sen. Brown moved that the Senate do concur in House amendments to SB 198.

21 Sen Adelstein moved a substitute motion not to concur and appoint a new committee.

22 Which motion lost.

23 The question being on Sen. Brown's motion that the Senate do concur in House  
24 amendments to SB 198.

25 And the roll being called:

26 Yeas 28, Nays 4, Excused 3, Absent 0

27 Yeas:

28 Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;  
29 Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Olson (Russell); Omdahl; Otten  
30 (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Tidemann; Tieszen; Van Gerpen; Vehle;  
31 White

1 Nays:  
2 Adelstein; Krebs; Sutton; Welke

3 Excused:  
4 Begalka; Buhl; Novstrup (Al)

5 So the motion having received an affirmative vote of a majority of the members-elect, the  
6 President declared the motion carried and the amendments were concurred in.

7 **CONSIDERATION OF REPORTS OF COMMITTEES**

8 Sen. Olson moved that the reports of the Standing Committees on  
9 Judiciary on HB 1130 as found on page 620 of the Senate Journal; also  
10 Judiciary on HB 1171 as found on page 621 of the Senate Journal; also  
11 Agriculture and Natural Resources on HB 1168 as found on page 622 of the Senate Journal  
12 be adopted.  
13 Which motion prevailed.

14 **SECOND READING OF CONSENT CALENDAR ITEMS**

15 HB 1151: FOR AN ACT ENTITLED, An Act to extend general immunity from liability  
16 for directors and officers of certain nonprofit fire and ambulance departments and to limit  
17 certain actions for personal injury or death.

18 Was read the second time.

19 The question being "Shall HB 1151 pass as amended?"

20 And the roll being called:

21 Yeas 32, Nays 0, Excused 3, Absent 0

22 Yeas:  
23 Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
24 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell);  
25 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
26 Van Gerpen; Vehle; Welke; White

1 Excused:  
2 Begalka; Buhl; Novstrup (Al)

3 So the bill having received an affirmative vote of a majority of the members-elect, the  
4 President declared the bill passed and the title was agreed to.

5 HB 1124: FOR AN ACT ENTITLED, An Act to provide for the appointment of members  
6 of the South Dakota Pulse Crops Council.

7 Was read the second time.

8 The question being "Shall HB 1124 pass as amended?"

9 And the roll being called:

10 Yeas 32, Nays 0, Excused 3, Absent 0

11 Yeas:  
12 Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
13 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell);  
14 Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
15 Van Gerpen; Vehle; Welke; White

16 Excused:  
17 Begalka; Buhl; Novstrup (Al)

18 So the bill having received an affirmative vote of a majority of the members-elect, the  
19 President declared the bill passed and the title was agreed to.

20 HB 1149: FOR AN ACT ENTITLED, An Act to revise and clarify requirements relating  
21 to limits of small game and fish taken by small game hunting parties and fishing parties.

22 Was read the second time.

23 The question being "Shall HB 1149 pass as amended?"

24 And the roll being called:

25 Yeas 32, Nays 0, Excused 3, Absent 0

26 Yeas:  
27 Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
28 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell);  
29 Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
30 Van Gerpen; Vehle; Welke; White

1       Excused:  
2       Begalka; Buhl; Novstrup (Al)

3       So the bill having received an affirmative vote of a majority of the members-elect, the  
4       President declared the bill passed and the title was agreed to.

5       HB 1152: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the  
6       administrative office and to the appointment and direction of the executive director of the South  
7       Dakota Wheat Utilization, Research and Market Development Commission.

8       Was read the second time.

9       The question being "Shall HB 1152 pass?"

10      And the roll being called:

11      Yeas 32, Nays 0, Excused 3, Absent 0

12      Yeas:  
13      Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
14      Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell);  
15      Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
16      Van Gerpen; Vehle; Welke; White

17      Excused:  
18      Begalka; Buhl; Novstrup (Al)

19      So the bill having received an affirmative vote of a majority of the members present, the  
20      President declared the bill passed and the title was agreed to.

21      HB 1167: FOR AN ACT ENTITLED, An Act to restructure the policy advisory committee  
22      for animal damage control.

23      Was read the second time.

24      The question being "Shall HB 1167 pass as amended?"

25      And the roll being called:

26      Yeas 32, Nays 0, Excused 3, Absent 0

27      Yeas:  
28      Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
29      Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell);  
30      Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
31      Van Gerpen; Vehle; Welke; White

1 Excused:  
2 Begalka; Buhl; Novstrup (Al)

3 So the bill having received an affirmative vote of a majority of the members-elect, the  
4 President declared the bill passed and the title was agreed to.

5 HB 1246: FOR AN ACT ENTITLED, An Act to authorize certain pesticide applicators to  
6 apply pesticide on their own property.

7 Was read the second time.

8 The question being "Shall HB 1246 pass as amended?"

9 And the roll being called:

10 Yeas 32, Nays 0, Excused 3, Absent 0

11 Yeas:  
12 Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
13 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell);  
14 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
15 Van Gerpen; Vehle; Welke; White

16 Excused:  
17 Begalka; Buhl; Novstrup (Al)

18 So the bill having received an affirmative vote of a majority of the members-elect, the  
19 President declared the bill passed and the title was agreed to.

20 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

21 HB 1108: FOR AN ACT ENTITLED, An Act to expand the application of certain open  
22 meetings provisions to certain committees of public boards.

23 Was read the second time.

24 Sen. Rhoden moved that HB 1108 be laid on the table.

25 The question being on Sen. Rhoden's motion that HB 1108 be laid on the table.

26 And the roll being called:

27 Yeas 28, Nays 4, Excused 3, Absent 0



1 Yeas:

2 Adelstein; Bradford; Brown; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;  
3 Johnston; Jones; Krebs; Lederman; Maher; Monroe; Olson (Russell); Omdahl; Otten (Ernie);  
4 Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
5 White

6 Nays:

7 Frerichs; Kirkeby; Lucas; Welke

8 Excused:

9 Begalka; Buhl; Novstrup (Al)

10 So the motion having received an affirmative vote of a majority of the members-elect, the  
11 President declared the motion carried.

12 HB 1194: FOR AN ACT ENTITLED, An Act to revise the period during which fireworks  
13 may be discharged.

14 Was read the second time.

15 The question being "Shall HB 1194 pass as amended?"

16 And the roll being called:

17 Yeas 24, Nays 8, Excused 3, Absent 0

18 Yeas:

19 Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
20 Jensen; Johnston; Jones; Kirkeby; Lederman; Maher; Monroe; Olson (Russell); Omdahl; Otten  
21 (Ernie); Rampelberg; Rave; Rhoden; Sutton; Tidemann; White

22 Nays:

23 Krebs; Lucas; Peters; Soholt; Tieszen; Van Gerpen; Vehle; Welke

24 Excused:

25 Begalka; Buhl; Novstrup (Al)

26 So the bill having received an affirmative vote of a majority of the members-elect, the  
27 President declared the bill passed and the title was agreed to.

28 HB 1234: FOR AN ACT ENTITLED, An Act to provide a limited exception to the  
29 provisions that exempt sport shooting ranges from the public nuisance laws.

30 Was read the second time.

1 The question being "Shall HB 1234 pass as amended?"

2 And the roll being called:

3 Yeas 32, Nays 0, Excused 3, Absent 0

4 Yeas:

5 Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
6 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell);  
7 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
8 Van Gerpen; Vehle; Welke; White

9 Excused:

10 Begalka; Buhl; Novstrup (Al)

11 So the bill having received an affirmative vote of a two-thirds majority of the members-  
12 elect, the President declared the bill passed.

13 The question being on the title.

14 1234jta

15 Sen. Holien moved that the title to HB 1234 be amended as follows:

16 On page 1, line 2, of the Senate Commerce and Energy Committee engrossed bill, after  
17 "laws" insert "and to declare an emergency".

18 Which motion prevailed.

19 HB 1018: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning  
20 elections and petitions.

21 Was read the second time.

22 The question being "Shall HB 1018 pass?"

23 And the roll being called:

24 Yeas 30, Nays 1, Excused 4, Absent 0

25 Yeas:

26 Adelstein; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;  
27 Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell); Omdahl;  
28 Otten (Ernie); Peters; Rampelberg; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen;  
29 Vehle; Welke; White

1 Nays:

2 Bradford

3 Excused:

4 Begalka; Buhl; Novstrup (Al); Rave

5 So the bill having received an affirmative vote of a majority of the members-elect, the  
6 President declared the bill passed and the title was agreed to.

7 HB 1061: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the  
8 regulation of captive insurance companies.

9 Was read the second time.

10 The question being "Shall HB 1061 pass?"

11 And the roll being called:

12 Yeas 32, Nays 0, Excused 3, Absent 0

13 Yeas:

14 Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
15 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell);  
16 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
17 Van Gerpen; Vehle; Welke; White

18 Excused:

19 Begalka; Buhl; Novstrup (Al)

20 So the bill having received an affirmative vote of a majority of the members-elect, the  
21 President declared the bill passed and the title was agreed to.

22 Sen. Van Gerpen moved that HB 1122 be deferred to Tuesday, March 5, the 34<sup>th</sup> legislative  
23 day.

24 Which motion prevailed.

25 HB 1085: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the  
26 notice given to municipalities and counties for bingo games and lotteries.

27 Was read the second time.

28 The question being "Shall HB 1085 pass as amended?"

1 And the roll being called:

2 Yeas 8, Nays 24, Excused 3, Absent 0

3 Yeas:

4 Brown; Heineman (Phyllis); Krebs; Monroe; Omdahl; Rampelberg; Tieszen; Vehle

5 Nays:

6 Adelstein; Bradford; Ewing; Frerichs; Holien; Hunhoff (Jean); Jensen; Johnston; Jones;  
7 Kirkeby; Lederman; Lucas; Maher; Olson (Russell); Otten (Ernie); Peters; Rave; Rhoden;  
8 Soholt; Sutton; Tidemann; Van Gerpen; Welke; White

9 Excused:

10 Begalka; Buhl; Novstrup (Al)

11 So the bill not having received an affirmative vote of a majority of the members-elect, the  
12 President declared the bill lost.

13 Sen. Olson announced his intention to reconsider the vote by which HB 1085 lost.

14 HB 1233: FOR AN ACT ENTITLED, An Act to grant limited immunity for the provision  
15 of voluntary medical services under certain circumstances.

16 Was read the second time.

17 The question being "Shall HB 1233 pass as amended?"

18 And the roll being called:

19 Yeas 32, Nays 0, Excused 3, Absent 0

20 Yeas:

21 Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
22 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell);  
23 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
24 Van Gerpen; Vehle; Welke; White

25 Excused:

26 Begalka; Buhl; Novstrup (Al)

27 So the bill having received an affirmative vote of a majority of the members-elect, the  
28 President declared the bill passed and the title was agreed to.

1 HB 1045: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
2 alternative apportionment methods available for determination of the bank franchise tax.

3 Was read the second time.

4 The question being "Shall HB 1045 pass as amended?"

5 And the roll being called:

6 Yeas 32, Nays 0, Excused 3, Absent 0

7 Yeas:

8 Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
9 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell);  
10 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
11 Van Gerpen; Vehle; Welke; White

12 Excused:

13 Begalka; Buhl; Novstrup (Al)

14 So the bill having received an affirmative vote of a majority of the members-elect, the  
15 President declared the bill passed and the title was agreed to.

16 HB 1098: FOR AN ACT ENTITLED, An Act to provide for bonding authorization for the  
17 postsecondary technical institutes and to authorize bonds for lease purchase agreements with  
18 Western Dakota Technical Institute and Southeast Technical Institute.

19 Was read the second time.

20 The question being "Shall HB 1098 pass as amended?"

21 And the roll being called:

22 Yeas 32, Nays 0, Excused 3, Absent 0

23 Yeas:

24 Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
25 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell);  
26 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
27 Van Gerpen; Vehle; Welke; White

28 Excused:

29 Begalka; Buhl; Novstrup (Al)



1 Sen. Olson moved that HB 1030, 1239, 1164, 1033, 1068, 1189, 1096, 1050, and 1123 be  
2 deferred to Tuesday, March 5, the 34<sup>th</sup> legislative day.

3 Which motion prevailed.

#### 4 **SIGNING OF BILLS**

5 The President publicly read the title to

6 SB 1: FOR AN ACT ENTITLED, An Act to revise the provisions regarding plugging and  
7 performance bonds for oil and gas wells and to repeal the supplemental restoration bond  
8 requirement.

9 SB 60: FOR AN ACT ENTITLED, An Act to revise certain definitions regarding the  
10 appraiser certification program.

11 SB 61: FOR AN ACT ENTITLED, An Act to allow licensed insurance agents to act as  
12 consultants in certain circumstances.

13 SB 62: FOR AN ACT ENTITLED, An Act to revise certain requirements regarding when  
14 an insurer's certificate of authority may be revoked.

15 SB 71: FOR AN ACT ENTITLED, An Act to correct the name of a postsecondary  
16 institution authorized to provide educational programs in South Dakota, and to revise the  
17 requirements for an institution seeking such authorization.

18 SB 80: FOR AN ACT ENTITLED, An Act to reinstate certain provisions repealed in the  
19 Eighty-seventh Legislative Session regarding the accounting for federal impact aid.

20 HB 1013: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to  
21 construct multi-use storage facilities at South Dakota State University and to make an  
22 appropriation therefor.

23 HB 1014: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to  
24 purchase a structure for use by South Dakota School of Mines and Technology and to make an  
25 appropriation therefor.

26 HB 1015: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to  
27 contract for the construction of an addition, remodeling, and renovation of Medary Commons  
28 on the campus of South Dakota State University and to make an appropriation therefor.

29 HB 1016: FOR AN ACT ENTITLED, An Act to revise the location of the cow-calf  
30 research and education unit authorized in chapter 107 of the 2012 Session Laws.

1 HB 1017: FOR AN ACT ENTITLED, An Act to establish and revise certain provisions,  
2 bond amounts, fees, and penalties related to the regulation of grain warehouses and grain buyers  
3 and to declare an emergency.

4 HB 1049: FOR AN ACT ENTITLED, An Act to transfer the value added agriculture  
5 subfund from the Governor's Office of Economic Development to the Department of  
6 Agriculture.

7 HB 1059: FOR AN ACT ENTITLED, An Act to repeal and revise certain obsolete and  
8 unnecessary statutes and rules relating to the Department of Environment and Natural  
9 Resources.

10 HB 1062: FOR AN ACT ENTITLED, An Act to repeal and reenact certain provisions  
11 regarding forestry and fire suppression.

12 HB 1083: FOR AN ACT ENTITLED, An Act to revise the crime of rustling to include  
13 sheep and goats.

14 HB 1093: FOR AN ACT ENTITLED, An Act to allow the use of dogs to hunt mountain  
15 lions and leashed dogs to track and retrieve wounded or presumed dead big game animals.

16 HB 1102: FOR AN ACT ENTITLED, An Act to revise provisions regarding the South  
17 Dakota Life and Health Insurance Guaranty Association Act.

18 HB 1103: FOR AN ACT ENTITLED, An Act to exempt credit health insurers from certain  
19 provisions related to preexisting conditions.

20 HB 1110: FOR AN ACT ENTITLED, An Act to provide for openness in certain electronic  
21 records databases and to open certain information regarding electronic record systems.

22 HB 1112: FOR AN ACT ENTITLED, An Act to clarify the application of certain open  
23 meetings provisions to certain three-member public boards.

24 HB 1115: FOR AN ACT ENTITLED, An Act to clarify the deliberative process exception  
25 to certain open records provisions.

26 HB 1116: FOR AN ACT ENTITLED, An Act to revise the terms and expiration dates of  
27 appointees to certain boards and commissions.

28 HB 1150: FOR AN ACT ENTITLED, An Act to amend provisions relating to violations  
29 of no contact orders.

30 HB 1162: FOR AN ACT ENTITLED, An Act to provide for special organ donation decals  
31 for license plates.

32 HB 1174: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to  
33 snowmobile operation.



1           HB 1187: FOR AN ACT ENTITLED, An Act to provide alternative brand inspection  
2 procedures for certain rodeo livestock.

3           HB 1191: FOR AN ACT ENTITLED, An Act to provide for the issuance of additional  
4 retail fireworks licenses.

5           HB 1217: FOR AN ACT ENTITLED, An Act to revise and expand certain provisions  
6 related to organ and tissue donation.

7           HB 1226: FOR AN ACT ENTITLED, An Act to provide remedies for assets omitted from  
8 the division of property in the entry of a divorce decree.

9           And signed the same in the presence of the Senate.

10          Sen. Vehle moved that the Senate do now adjourn, which motion prevailed and at  
11 4:10 p.m. the Senate adjourned.

12  

Jeannette Schipper, Secretary